

REMARKS/ARGUMENTS

The Examiner is thanked for the clarity and conciseness of the Office Action and for the citation of the references which have been studied with interest and care.

Claim Rejections - 35 U.S.C. § 112

Claims 4-5 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4-5 have been amended to correct their respective dependencies. Withdrawal of this rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Claim 8 was rejected under 35 U.S.C. 102(e) as being anticipated by Zierhofer (5,983,139). Claims 1 and 4-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Zierhofer (5,983,139).

Applicant's disclosure describes an invention designed to maintain the low frequency information present in an Implantable Cochlear Stimulation (ICS) design. Zierhofer's disclosure does not. Zierhofer describes a system that uses classic Hilbert envelope theory to generate envelopes that contain a minimum of pitch information. A sine wave traveling through the Zierhofer system, which has the same frequency as the Hilbert modulator in its envelope detector, will produce an output which contains no pitch information at all.

Claims 1 and 8 have been amended to recite additional limitations pertaining to the foregoing distinguishing remarks. Further with regard to claim 1, it should be appreciated that one cannot decimate the signal before determining its envelope, because the envelope output signal varies too quickly. Accordingly, Applicant respectfully traverses the assertion made in ¶6 of the Office Action that it would have been obvious to one with ordinary skill in the art at the time the invention was made to rearrange the means for computing with the means for decimating.

For the reasons discussed above and in view of the amendments to the claims, none of Applicant's claims are anticipated by Zierhofer. For the same reasons, none of the claims would have been obvious to one of ordinary skill in the art over Zierhofer. Withdrawal of these rejections is respectfully requested.

Allowable Subject Matter

Claims 2-3 and 9-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

Claims 2 and 3 have been rewritten to include all of the limitations of originally-filed claim 1. Claims 9 and 10 have been rewritten to include all of the limitations of originally-filed claim 8.

CONCLUDING REMARKS

Applicant submits that the application is in condition for allowance. Concurrence by the Examiner and early passage of the application to issue are respectfully requested.

Any additional fees which are required in connection with this communication and which are not specifically provided for herewith are authorized to be charged to deposit account no. 500651.

Respectfully submitted,



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